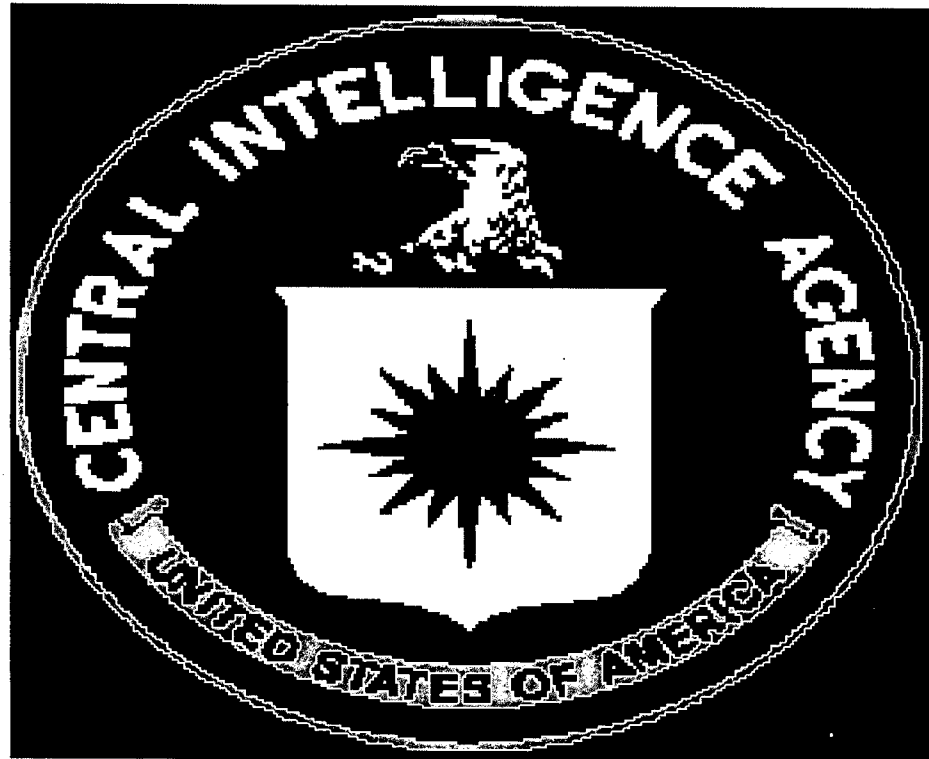


UNAUTHORIZED DISCLOSURES



Types, Trends, and Harm

Anatomy of an Unauthorized Disclosure

Who?

- Current and Former Employees
- Current and Former Contractors
- Consumers of Intelligence

What?

- Information Concerning Intelligence Sources and Methods
- National Defense Information (as defined by statute)
- Technical Collection Capabilities
- Covert Actions
- Foreign Intelligence and Counterintelligence Information

Why?

Classifying Information

- Executive Order 12958
- Internal Agency Regulations and Handbooks



(b)(3)

- Original Classification versus Derivative Classification
 - Original – an initial determination -- made by a limited number of authorized individuals -- that information requires protection from unauthorized disclosure
 - Derivative – incorporating, paraphrasing, restating, or generating in a new form information that is already classified (e.g., classification based on a classification guide)

Classifying Information

- The Classification Process
 - Categories of information and relative sensitivity defined by individual with Original Classification authority
 - When document with information in these categories is created, it is classified according to its Original Classification. This process is Derivative Classification.
 - If information does not fall within previously established category, information is reviewed by individual with Original Classification authority for proper classification.

Classifying Information: FAQs

- What information may be considered for classification?
 - Information defined under Sec. 1.5 of Executive Order 12958
 - Information protected by statute, e.g., National Security Act, the Atomic Energy Act
- At what sensitivity level?
 - Sec. 1.3 and Sec. 1.4 of Executive Order 12958 define the classification level for information and restrict delegations of original classification authority for certain classes of information
- What information may not be considered for classification?
 - Sec. 1.8 of Executive Order 12958 prohibits classification of certain types of information and identifies impermissible reasons for classification
- May classification decisions be challenged and, if so, by whom?
 - Authorized holders of information may challenge classification decisions as provided by Sec. 1.9 of Executive Order 12958

Types of UDs

Current Statutory Restrictions

- National Defense Information – 18 U.S.C. §§ 793(d), 793(e), 794
- Photographs of Defense Installations – 18 U.S.C. § 797
- Information Concerning Communications Intelligence and Cryptographic Activities – 18 U.S.C. § 798
- Information Relating to Diplomatic Codes – 18 U.S.C. § 952
- Unauthorized Removal and Retention of Classified Documents or Material – 18 U.S.C. § 1924
- Restricted Data on Atomic Energy – 42 U.S.C. §§ 2274, 2277
- Identity of Covert Agents – 50 U.S.C. § 421
- Classified Information to Agents of Foreign Governments or Members of Communist Organizations – 50 U.S.C. § 783(b)

Types of UDs

Current Statutory Gaps?

- Foreign Government Information
- Intelligence Sources and Methods
- Covert Actions
- Foreign Liaison Relationships
- Counterintelligence Capabilities
- Narcotics Trafficking and Money-Laundering Intelligence

UD Trends

- Approximately 50 referrals related to unauthorized disclosures to the Department of Justice from various Executive Branch Agencies for each of the last several years
- Approximately 20 to 25 criminal investigations per year by the Department of Justice
- Enhanced information security and other methods employed to aid in identification of leakers

UD Damage

“The damage caused by leakers can be every bit as great as the damage caused by espionage.”

-- George J. Tenet, Director of Central Intelligence

- Danger to Human Assets
- Harm to Foreign Liaison Relationships
- Compromise of Technical Collection Systems
- Exposure of Intelligence and Counterintelligence Methods

UD Remedies

- Media Cooperation in Not Seeking, Not Publishing, and Removing Classified Information
- Administrative Penalties
 - Reprimand
 - Suspension Without Pay
 - Decrease in Grade
 - Revocation of Security Clearance
 - Separation
- Civil Liability
 - Injunctive Relief or Monetary Damages
- Criminal Liability